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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 3870/2016

SYED SALLAUDDIN PASHA

..... Petitioner

Through: Mr. Rais Farooqui, Mr.S.Akbar Abidi
and Mr. Arif Ali Khan, Advs. along
with petitioner in person.

Versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Dr. M.P. Singh, APP for State with SI
Anand Pratap, P.S. Madhu Vihar.
Mr. Krishan Kumar, Ms. Vidushi
Sharma and Ms. Sunita Arora, Advs.
along with respondent no.2 in person.

And

W.P.(CRL) 3022/2016

SYED SALLAUDDIN PASHA

..... Petitioner

Through: Mr. Rais Farooqui, Mr.S.Akbar Abidi
and Mr. Arif Ali Khan, Advs. along
with petitioner in person.

Versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Ashish Aggarwal, ASC for State
with Mr. Piyush Singhal and Ms.
Arpita Bhattacharyya, Advs. along with
SI Kulbir Rana, P.S. Vivek Vihar.
Mr. Krishan Kumar, Ms. Vidushi
Sharma and Ms. Sunita Arora, Advs.
along with respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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28.11.2016

Petitioner is husband of respondent no.2. On the complaint of respondent
no.2, following two FIRs were registered against the petitioner:-

(a) FIR No. 389/2014 under Sections 471/406/420/468 IPC at police

- station Vivek Vihar.
(b) FIR No. 530/2014 under Sections 377/511/323/341/342/506 IPC at police station Madhu Vihar.

Petitioner and respondent no. 2 were married on 5th January, 2003 and one child Ms. Sara Syed was born on 21st November, 2003 from their wedlock. In a nutshell, respondent no. 2 has alleged in the FIR, mentioned at serial no. (b), that she was ill treated after marriage. She also alleged that petitioner was maintaining illicit relations with other women and children. She also alleged that petitioner attempted unnatural sex with her and when she resisted she was given beatings by him. In the FIR, mentioned at serial no. (a), she alleged that petitioner operated the bank locker which was in their joint name, by forging her signatures.

Respondent no.2 also filed petitions under the Protection of Women from Domestic Violence Act, 2005 and under Section 125 of the Code of Criminal Procedure, 1973. During the pendency of the said proceedings, petitioner and respondent no.2 have settled their disputes amicably vide Settlement Agreement dated 10th February, 2016 before the Counsellor, Family Court, Karkardooma, Delhi. Settlement agreement has been signed by Shri Vijay Ahluwalia, Counsellor between the petitioner and respondent no.2.

Respondent no.2 is present in Court and submits that she has settled the matter with the petitioner of her own free will and without any undue force,

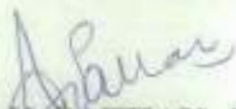
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pressure or coercion. She further submits that she has already withdrawn the proceedings under the Domestic Violence Act and under Section 125 of the Code of Criminal Procedure. She has admitted that petitioner has already executed two registered gift deeds in terms of Clauses (1) and (2) of the Settlement Agreement. She submits that she is not willing to pursue both the above-referred FIRs, in view of the settlement. She has no objection in case the FIRs are quashed.

Keeping in mind that both the FIRs are outcome of marital discord between the petitioner and respondent no.2 and that they have settled their disputes voluntarily and without any undue pressure, force or coercion, in the interest of justice, FIR No. 389/2014 under Sections 471/406/420/468 IPC registered at police station Vivek Vihar and FIR No. 530/2014 under Sections 377/511/323/341/342/506 IPC registered at police station Madhu Vihar and the consequent proceedings emanating therefrom are quashed.

Both the writ petitions are disposed of in the above terms.

Dasti.


A.K. PATHAK, J.

NOVEMBER 28, 2016/ga